UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,851	12/09/2003	Arnold H. Bramnick	BOC9-2003-0038 (407)	5241

40987   7590   03/17/2008

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ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,13-21 and 24-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 13-21 and 24-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/08

has been entered.

Status of Claims

2.   Due to communications filed 1/16/08, the following is a non-final office action.

Claims 1, 9, 13, and 24 have been amended. Claims 11, 12, 22 and 23 are cancelled.

Claims 1-10, 13-21 and 24-26 are pending in this application, and have been examined

on the merits. Claims 1-10, 13-21 and 24-26 are rejected as follows.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-10, and 13-21, 26 rejected under 35 U.S.C. 103(a) as being

unpatentable over Slivka et al (US 2003/0225600), and further in view of Gillis (US

2002/0178018 A1).

        As per claims 1, 13, Slivka et al discloses:

        obtaining   passenger   data   for   said   passenger unable to travel on a

scheduled flight on a carrier, ([0034], lines 1-8, passenger information obtained,

w/[0014], shows disrupted passengers are re-accommodated, and a disrupted

passenger is unable to travel on a scheduled flight on a carrier);

        comparing the passenger data with one or more rebooking rules, ([0024], function of

        rules database, w/ [0037], lines 1-9, once PNR information is collected, rules

        executed);

presenting rebooking flight candidates to said passenger...wherein said

selected flight candidates are presented to said passenger in an order preferred

by said carrier for rebooking said passenger, said preferred order based on a ranking of

said flight candidates according to the rebooking rules and said passenger data,

([0028], monitor which is used to present a notification of re-accommodations, w/table 3,

shows a ranking of certain types of passengers, and this table is used by the rules

engine when performing the re-accommodation process as shown in [0026], and

therefore suggests the presentation of flight candidates in a preferred order since when

re-accommodating passengers, say, for example, the passenger is a physically

challenged unaccompanied minor, according to table 3, this passenger is # 1 priority,

and will be rebooked on a flight 1st, which is rebooking in a preferred order, in this case

passenger data is represented by passenger type);

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to present rebooking flight candidates in a preferred order with the

motivation of re-accommodating passengers in a preferred order.

Slivka et al does not specifically disclose the following, but does disclose the

determination of alternative itineraries based on passenger data in [0044], and

subsequently rebooking a passenger as shown in [0046], and discloses an output

file, which is accessed by a re-accommodation driver that attempts to rebook as

shown in [0045]. Slivka et al also discloses that a personal computer, and a monitor

is included in the re-accommodation computer in [0019] and Fig. 1, thereby implying

travel accommodations being selected from the personal computer by a passenger.

However, Gillis discloses:

said presented flight candidates selected based upon said comparing step, ([0032],

lines 8-10, shows presenting alternative flights);

prompting said passenger to select one of said presented candidates, ([0032],

lines 10-17, shows prompting customer to indicate if he approves the alternative flight);

and

rebooking said passenger on the selected one of said presented candidates,

([0033], lines 1-9, if customer approved alternative flight, reservation is made).

Gills discloses the above limitations in an analogous art for the purpose of showing that the passenger has the option to make travel selections.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to allow a passenger to select flight candidates, and to rebook the passenger based on his selections with the motivation of allowing a passenger to personally select accommodations for ultimate booking.

As per claims 2, 14, 26, Slivka et al discloses that criteria comprises frequent flyer status in Claim 3.

Slivka et al does not specifically disclose the following, but does disclose that a passenger with a higher value is presented with more flight options since there is an advantage of being rebooked for a flight with a flight time closer to the delayed flight, and the passenger with lower passenger value gets booked on a remaining flight that is not as close to the original delayed flight time. In this case, the passenger with the higher value has a greater number of flights to choose from since he is first presented with the closer flight, but then has the option to decline and choose an alternative flight, where the passenger with the lower value only has an option of being booked on the flight that is the next available, thereby making the following obvious:

wherein said presenting step comprises decreasing a number of said rebooking flight candidates presented to said passenger failing to meet criteria for high passenger value...

As per claim 3, 10, 15, 21, Slivka et al discloses:

wherein said passenger data of said passenger is compared to passenger data of at least one other passenger in need of rebooking, and said passenger is offered rebooking flight candidates based upon said comparing step/further comprising means for comparing said flight operations data for said rebooking flight candidates/wherein said re-accommodation engine further determines said flight candidates to present based on comparing said flight operations data for said rebooking flight candidates/compares passenger data with flight operations data for said rebooking flight candidates, ([0015], and [0050], compared to other passengers/customers).

As per claims 4/16, Slivka et al discloses:

wherein said passenger data is provided substantially real time, ([0048], real time).

As per claims 5, 7, 17, 19, Slivka et al discloses:

wherein said presenting step comprises presenting high remaining unflown value flight rebooking candidates and not presenting rebooking flight candidates with lower unflown values/wherein said passenger data comprises the remaining unflown ticket value for said passenger ([0052], shows a re-accommodation process where based on passenger value, higher value is booked).

As per claims 6, 18, Slivka et al discloses:

wherein said presenting step comprises offering said passenger incentives for selecting rebooking flight candidates with high remaining unflown value, ([0004], lines 22-26, shows example of rewards).

As per claim 8, Slivka et al discloses:

wherein said passenger data comprises passenger loyalty data, (Claim 3, frequent flyer status).

As per claim 9, Slivka et al discloses:

a data store comprising passenger data, rebooking rules for said carrier, and flight operations data for said carrier and one or more other carriers, said flight operations data comprising flight rebooking candidates for said passenger, ([0019], operation database and passenger database, [0024] rules maintained in profile database); and

a re-accommodation engine having access to said data store for determining one or more of said rebooking flight candidates to present to said passengers based on said passenger data and said rebooking rules, ([0028], monitor to present notification of re-accommodations, w/[0037], lines 1-8, re-accommodation driver);

wherein said determined rebooking flight candidates are presented to each of said passengers in an order preferred by said carrier for rebooking each of said passengers, the preferred order based on a ranking of said rebooking flight candidates according to the rebooking rules, ([0028], monitor which is used to present a notification of re-accommodations, w/table 3, shows a ranking of certain types of passengers, and this table is used by the rules engine when performing the re-accommodation process as shown in [0026], and therefore suggests the presentation of flight candidates in a preferred order since when re-accommodating passengers, say, for example, the passenger is a physically challenged unaccompanied minor, according to table 3, this

passenger is # 1 priority, and will be rebooked on a flight 1st, which is rebooking in a preferred order, in this case passenger data is represented by passenger type);

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to present rebooking flight candidates in a preferred order with the motivation of re-accommodating passengers in a preferred order.

Slivka et al does not specifically disclose the following, but does disclose the determination of alternative itineraries based on passenger data in [0044], and subsequently rebooking a passenger as shown in [0046], and discloses an output file, which is accessed by a re-accommodation driver that attempts to rebook as shown in [0045]. Slivka et al also discloses that a personal computer, and a monitor is included in the re-accommodation computer in [0019] and Fig. 1, thereby implying travel accommodations being selected from the personal computer by a passenger.

However, Gillis discloses:

one or more user clients for presenting to said passenger rebooking flight candidates determined by said engine and for prompting said passengers to select one of said presented flight candidates, ([0032], lines 8-17, shows presenting alternative flights, and shows prompting customer to indicate if he approves the alternative flight);

Gills discloses the above limitations in an analogous art for the purpose of showing that the passenger has the option to make travel selections.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to allow a passenger to select rebooking flight candidates with the

motivation of allowing a passenger to personally select recommendations for ultimate

booking.

5.   Claims 24-25 are rejected under 35 U.S.C. 103(a) as being anticipated by Slivka

et al (US 2003/0225600 A1).

As per claim 24, Slivka et al discloses:

a data store comprising rebooking rules for said carrier and flight operations data

for said carrier and one or more other carriers, said flight operations data comprising

flight rebooking candidates for said passenger, ([0024] rules maintained in profile

database);

a re-accommodation engine for retrieving passenger data and determining one or

more of said rebooking flight candidates to present to said passenger based on said

passenger data and said rebooking rules, ([0028], monitor to present notification of

re-accommodations, w/[0037], lines 1-8, re-accommodation driver); and

a telephone-based voice response unit (VRU) for interacting with said passenger,

said VRU presenting to said passenger rebooking flight candidates and for prompting

said passenger to select one of said presented flight candidates based upon said

passenger data, (Claim 8, and Claim 10, wireless telephone message, and voice-based

message);

wherein said determined rebooking flight candidates are presented to said

passenger in an order preferred by said carrier for rebooking said passenger, said

preferred order based on a ranking of said rebooking flight candidates according to the

rebooking rules and said passenger data, ([0028], monitor which is used to present a

notification of re-accommodations, w/table 3, shows a ranking of certain types of

passengers, and this table is used by the rules engine when performing the re-

accommodation process as shown in [0026], and therefore suggests the presentation

of flight candidates in a preferred order since when re-accommodating passengers, say,

for example, the passenger is a physically challenged unaccompanied minor, according

to table 3, this passenger is # 1 priority, and will be rebooked on a flight 1st, which is

rebooking in a preferred order, in this case passenger data is represented by passenger

type);

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to present rebooking flight candidates in a preferred order with the

motivation of re-accommodating passengers in a preferred order.

As per claim 25, Slivka et al discloses:

wherein said VRU comprises a text-to-speech system for presenting said flight

candidates to said passenger and at least one among a speech recognition system and

a dual tone multi-frequency recognizer system for receiving flight selection information

from said passenger, (Claim 9, text based messaging, therefore, dual tine multi-

frequency recognizer is inherent).

Response to Arguments

6.   Applicant's arguments filed 1/16/08 have been fully considered but they are not

persuasive.

Applicant argues that Slivka refers to ranking of passengers from a

cancelled flight, that is, each of the passengers is ranked according the list in Table 3,

and that based on this ranking, Slivka automatically rebooks the passengers, and that in

contrast, the claims, as amended, include no such ranking of passengers, but instead,

the claims explicitly recite a ranking of flights (i.e., the "flight candidates") in an

order preferred by the carrier for rebooking the passenger. However, even though table

3 of Slivka shows a ranking of certain types of passengers, this table is used by the

rules engine when performing the re-accommodation process as shown in [0026], and

therefore *suggests* the presentation of flight candidates in a preferred order since when

re-accommodating passengers, say, for example, the passenger is a physically

challenged unaccompanied minor, according to table 3, this passenger is # 1 priority,

and will be rebooked on a flight 1st, which is rebooking in a preferred order. It is

therefore according to Table 3 obvious to one of ordinary skill in the art at the time of the

applicant's invention to present rebooking flight candidates in a preferred order with the

motivation of re-accommodating passengers in a preferred order.

Second, applicant argues that even if Slivka discloses ranking of flights, Slivka still

fails to disclose presenting a ranked list for the passenger to select from, as recited

in the amended claims. Applicant argues that the "monitor" of Slivka is not intended

for the display of a list of flights for a passenger to select from, but is explicitly

provided for performing two tasks only: (1) inform the passenger that a flight has

been disrupted; and (2) to display new flight information after the passenger has

been rebooked, and nowhere in this section or anywhere else does Slivka disclose

or suggest that the monitor can be configured to allow a passenger to select an

option for rebooking the passenger. However, the combination of Slivka and Gillis

discloses this limitation. Although true that Slivka discloses a monitor, this monitor

does provide travelers with notifications of re-accommodation. However, in

combination with Gillis, this limitation is disclosed. Specifically in Gillis, [0032], lines

8-10, shows presenting alternative flights, and furthermore, lines 10-17, shows

prompting the customer to indicate approval of an alternative flight. This passage of

Gillis represents a configuration that allows a passenger to select an option for

rebooking.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

    Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
March 3, 2008

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628